UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN BROAD *dba* **BROAD CAR SALES & SERVICE,**	)))	**CASE NO. 5:11CV2422**
Plaintiff,	))	
	)	**JUDGE SARA LIOI**
vs.	))	
NORTH POINTE INSURANCE, CO.,	))	
Defendant-Third-Party Plaintiff,	)))	**MEMORANDUM OPINION & ORDER**
vs.	)))	
TODD TUCKER,	))	
Third-Party Defendant.	))	

Before the Court is the interim report and recommendation ("R&R") of the

Magistrate Judge, recommending that this Court deny *pro se* Third-party Defendant Todd Tucker

("Third-party Defendant" or "Tucker")'s motion to dismiss the third-party complaint filed by

Defendant North Pointe Insurance Co. (Doc. 25.) Under the relevant statute:

> [...] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(B); L.R. 72.3. In this case, the fourteen-day period

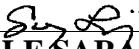has elapsed and no objections have been filed nor has any extension of time been sought.[1]

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[1] The Magistrate Judge's R&R in this matter was filed April 2, 2012, and included an explanation that any objections would be due within fourteen days of Tucker's receipt of the R&R. The docket reflects that the R&R was mailed to Tucker on the same day that it was filed.

The failure to file written objections to a Magistrate Judge's R&R constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn,* 728 F.2d 813 (6th Cir. 1984), *aff'd,* 474 U.S. 140 (1985); *see United States v. Walters,* 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's R&R and adopts the same. Accordingly, Third-party Defendant's motion to dismiss is **DENIED**.

IT IS SO ORDERED.

Dated: May 1, 2012

HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE